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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,799	12/30/1999	RICHARD Marion CZERWIEC	135511	8330

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EXAMINER

NGUYEN, DUC MINH

ART UNIT	PAPER NUMBER
2643	12

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/476,799

Applicant(s)

CZERWIEC ET AL.

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25, 27, 28, 31-33 and 35 is/are rejected.
- 7) ☒ Claim(s) 26, 29, 30 and 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 25, 27-28, 31-33, 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakagawa (5,471,517).

Consider claims 25, 33. Nakagawa teaches a processing system for a first system having a plurality of conductors and a plurality of subscribers (see figs. 1-6), the processing system comprising a plurality of encoders (DEC/CODE; col. 2, ln. 25-53) each for receiving a digital signal to generate a respective encoded signal; a generator for generating a test signal (col. 8, ln. 47-54); a plurality of cards (switch 30 and code/dec) each coupled to a respective conductor for sending signals to a respective subscriber, each card including a current switch (switch 30) for maintaining a first current path between a respective encoder (24-25) and the respective conductor (28), to transfer the encoded signal from the encoded to a respective subscriber (see figs. 1-6; col. 7, ln. 50-60), and for making a second current path between the generator and the respective conductor, to transfer the test signal from the generator to the conductor (col. 3, ln. 39-48; col. 8, ln. 47-54). Nakagawa further teaches performed currently in remaining ones of the cards the step of maintaining the first current path between the respective encoder and the respective conductor, to transfer the respective encoded signal from the encoder to the respective subscriber (e.g., Nakagawa system supports more than one subscriber. Therefore, Nakagawa

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system has the ability to test the first subscriber line/DEC/CODE and to provide telephone services to other subscribers simultaneously).

Consider claims 27, 32. Nakagawa teaches a processing system for a first system having a plurality of conductors and a plurality of subscribers (see figs. 1-6), the processing system comprising a plurality of encoders (DEC/CODE; col. 2, ln. 25-53) each for receiving a digital signal to generate a respective encoded signal; a generator for generating a test signal (col. 8, ln. 47-54); a plurality of cards (switch 30 and code/dec) each coupled to a respective conductor for sending signals to a respective subscriber, each card including a current switch (switch 30) for maintaining a first current paths between a respective encoder (24-25) and the respective conductors (28s), to transfer the encoded signal from the encoded to a respective subscriber (see figs. 1-6; col. 7, ln. 50-60), breaking one of the first current paths (by switch 30 and 36) and for making a second current path between the generator and the respective conductors, to transfer the test signal from the generator to the conductors (col. 3, ln. 39-48; col. 8, ln. 47-54).

Nakagawa further teaches performed currently in remaining ones of the cards the step of maintaining the first current paths between the respective encoder and the respective conductors, to transfer the respective encoded signal from the encoder to the respective subscribers (e.g., Nakagawa system supports more than one subscriber. Therefore, Nakagawa system has the ability to test the first subscriber line/DEC/CODE and to provide telephone services to other subscribers simultaneously).

Consider claims 28, 35. Nakagawa teaches a processing system for a first system having a plurality of conductors and a plurality of subscribers (see figs. 1-6), the processing system comprising a plurality of encoders (DEC/CODE; col. 2, ln. 25-53) each for receiving a digital

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signal to generate a respective encoded signal; a generator for generating a test signal (col. 8, ln. 47-54); a plurality of cards (switch 30 and code/dec) each coupled to a respective conductor for sending signals to a respective subscriber, each card including a current switch (switch 30) for maintaining a first current path between a respective encoder (24-25) and the respective conductor (28), to transfer the encoded signal from the encoded to a respective subscriber (see figs. 1-6; col. 7, ln. 50-60), and for making a second current path between the generator and the respective conductor, to transfer the test signal from the generator to the conductor (col. 3, ln. 39-48; col. 8, ln. 47-54).

Consider claim 31. A metallic relay (30) is shown in figs. 1-6.

#### ***Allowable Subject Matter***

3. Claims 26, 29-30, 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

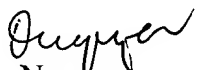
#### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 703-308-7527. The examiner can normally be reached on 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Duc Nguyen  
Primary Examiner  
Art Unit 2643

3/11/04